

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CV-414-FL

This matter comes before the court on plaintiff's motion for leave to designate an expert witness (DE # 101), which defendant opposes. Where the court previously amended the scheduling order in this case on July 20, 2012, which did not address the deadline for designation of expert witnesses, and where plaintiff asserts excusable neglect leading to plaintiff's failure to designate an expert witness while proceeding *pro se*, for good cause shown, the court GRANTS plaintiff's motion for leave to designate an expert witness. However, where defendant states in its response that it will be prejudiced under existing case schedule by not having time to prepare for deposition of plaintiff's expert or to retain a rebuttal expert witness, and where defendant's counsel has other pending legal matters that would not allow for deposition in September 2012, the court DIRECTS the parties to meet and confer, through counsel, and to submit to the court within 14 days of this order a proposed order suggesting amended deadlines for plaintiff's and defendants' expert disclosures required by Federal Rule of Civil Procedure 26(a)(2), including reports for retained experts, and deadlines for completion of depositions of the expert witnesses. A new deadline for the submission of dispositive motions, presently set for December 1, 2012, may also be suggested. The court emphasizes that the

present scheduling amendment shall not permit reopening of other discovery deadlines, presently set for completion by September 1, 2012 and fact depositions set for completion by October 1, 2012, but shall permit an extension solely for purposes of deadlines for expert disclosures and depositions as set forth above.

SO ORDERED, this the 17th day of September, 2012.



LOUISE W. FLANAGAN
United States District Judge